

REMARKS

Upon entry of the present Amendment, claims 1, 3 and 6-7 are all the claims pending in the application. Claims 1 and 6 are amended. Withdrawn claim 8 is cancelled without prejudice or disclaimer. Claims 1 and 3-8 are all the claims pending in the application, with claim 8 being previously withdrawn from further consideration.

To summarize the Office Action, claims 1, 3-4 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over JP 2-45172 ("JP '172") in view of Davis (U.S. Patent No. 764,796); claim 3 is also rejected under 35 U.S.C. §103(a) as being unpatentable over JP '172 in view of Davis and Saito et al. (U.S. Patent No. 4,263,870, "Saito"); claims 1, 3 and 7 are rejected under 35 U.S.C. § 102(e and a) as being anticipated by Kanke et al. (U.S. Publication No. 2003/0049379 "Kanke '379") or under 102(a) as being anticipated by JP 2003-53245 ("Kanke '245"); and claims 1, 3 and 7 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ichikawa et al. (U.S. Publication No. 2004/0043154, "Ichikawa '154") or under 102(a) as being anticipated by JP 2003-275642 ("Ichikawa '642"). However, the Examiner indicates that dependent claims 5 and 6 would be allowable if rewritten in independent form to include all the limitations of base claim 1 and intervening claim 4.

The outstanding rejections are traversed, as discussed below.

Claim Rejections - 35 U.S.C. § 103

JP '172 in view of Davis

With respect to rejection of claim 1, Applicant notes that claim is presently amended to incorporate the subject matter of allowable claim 5, including intervening claim 4. Accordingly, this ground of rejection is overcome at least by virtue of claim 1 reciting the allowable subject matter of claim 5. Claims 3 and 6-7 are allowable at least by virtue of their dependency as well as by virtue of the features recited therein.¹

Reconsideration and withdrawal of this ground of rejection is requested.

JP '172 in view of Davis and Saito

With respect to the rejection of claim 3 under 35 U.S.C. § 103 (a) based on JP '172 in view of Davis and Saito, Applicant submits that this ground of rejection is moot in view of the above-described amendment of claim 1.

Claim Rejections - 35 U.S.C. § 102

Kanke '379 or Kanke '245

Claims 1, 3 and 7 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Kanke '379 or Kanke '245. Applicant submits that claim 1 is allowable at least by virtue of reciting the allowable subject matter of claim 5, as discussed above, and claims 3 and 7 are allowable at least by virtue of depending from claim 1. Reconsideration and withdrawal of this ground of rejection is requested.

¹ Claim 6 is amended solely to change its dependency in view of the amendment of claim 1.

Ichikawa '154 or Ichikawa '642

Claims 1, 3 and 7 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ichikawa '154 or Ichikawa '642. Applicant submits that claim 1 is allowable at least by virtue of reciting the allowable subject matter of claim 5, as discussed above, and claims 3 and 7 are allowable at least by virtue of depending from claim 1. Reconsideration and withdrawal of this ground of rejection is requested.

Conclusion

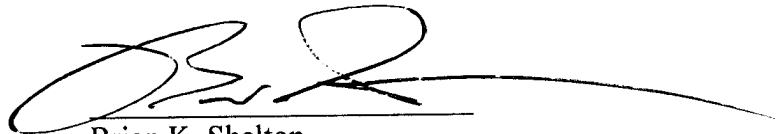
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/759,129

Attorney Docket No.: Q79438

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brian K. Shelton', with a long horizontal flourish extending to the right.

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Date: **August 31, 2007**